

1. This Office action is in response to applicant's amendment filed March 12, 2008, which amends claim 1.

Claims 1, 2, 12-14, 17, 18, 20 and 21 are pending.

Claims 17 and 18 stand allowed.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 12-14, 20 and 21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kamatani et al. (US 6,953,628 B2) for reasons of record in the Office action mailed October 12, 2007, with the following correction.

In lines 12-13 and 15 on page 4, and in lines 1-2 and 4-5 on page 6 of the Office action mailed October 12, 2007, "Nos. 489, 520-526, 552-558 and 568-574" should read "Nos. 520-526 and 552-558".

4. Applicant's arguments filed March 12, 2008 have been fully considered but they are not persuasive.

With respect to the definition of R¹ as set forth in claim 1 of the amendment filed March 12, 2008, the examiner notes that while "H" has been deleted from the second line after formula

(I), a device comprising a compound of formula (I) in which $R^1 = H$ is still within the scope of claim 1 and dependents. As presently defined, " $R^1 = R^4, OR^4$," and R^4 may be H.

Applicant argues that Kamatani discloses a vast number of permutations and combinations of possible ligands and substituents. Applicant argues that there is no teaching or suggestion of the specific iridium complex as recited in present claim 1, that the specific substitution pattern claimed by applicant is not taught, and that there is nothing in Kamatani that would lead one to select a single substituent or ancillary ligand from one of the hundreds of specific iridium complexes to substitute for a substituent or ligand in another of the complexes.

Formula (I) as defined in present claim 1 is not limited to a specific (single) iridium complex. While Kamatani's disclosure encompasses numerous iridium compounds, including compounds that are outside the scope of the present claims, Kamatani provides specific examples of iridium compounds that are similar in chemical structure to the compounds of formula (I) as defined in present claim 1. Kamatani's Nos. 612 and 616 have fluorinated phenylpyridine ligands having substituents and substitution patterns within the scope of the fluorinated phenylpyridine ligands in the compound of present formula (I). Even if the claims were to be amended to exclude H from the definition of R^4 , such that $R^1 \neq H$, the examiner would still consider claim 1 and dependents to be unpatentable over Kamatani. Substituted phenylpyridine ligands having the substituents and substitution pattern set forth in formula (I) wherein $R^1 \neq H$ are disclosed in the prior art. (For example, see Nos. 274 and 396-398.) Further, while many specific examples of iridium compounds are set forth in Kamatani's tables, there are similarities between many of the compounds that would lead one of ordinary skill in the art to other similar

compounds. For example, most of Kamatani's specific compounds with substituted phenylpyridine ligands have one or more fluorine, fluorinated alkyl groups and/or hydrocarbon alkyl groups as substituents on the phenylpyridine ligands. Given all of Kamatani's specific iridium compounds, one of ordinary skill in the art would reasonably expect that iridium compounds having substituted phenylpyridine ligands with various combinations of fluorine and fluorinated alkyl groups and/or hydrocarbon alkyl groups would be luminescent and could be used in the luminescence layer of a luminescence device as taught by Kamatani. Further, given all of Kamatani's specific iridium compounds, one of ordinary skill in the art would reasonably expect that various iridium compounds having Kamatani's formula (5) partial structure and having phenylpyridine ligands substituted with various combinations of fluorine and fluorinated alkyl groups and/or hydrocarbon alkyl groups would be luminescent and could be used in the luminescence layer of a luminescence device. Absent a showing of superior/unexpected results, the examiner maintains the position that an organic electronic device comprising an iridium compound having two substituted phenylpyridine ligands as shown in Formula (I) and a β -enolate ligand of Formula (III) would have been obvious to one of ordinary skill in the art at the time of the invention given Kamatani's disclosure.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication should be directed to Marie R. Yamnitzky at telephone number (571) 272-1531. The examiner works a flexible schedule but can generally be reached at this number from 7:00 a.m. to 3:30 p.m. Monday-Friday.

The current fax number for all official faxes is (571) 273-8300. (Unofficial faxes to be sent directly to examiner Yamnitzky can be sent to (571) 273-1531.)

/Marie R. Yamnitzky/
Primary Examiner, Art Unit 1794

MRY
June 12, 2008